

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ASBESTOS WORKERS SYRACUSE PENSION FUND,)
by Thomas Davitt, III, and Charlotte Buskey, as Trustees,)
Plaintiffs,)
-against-)
DELORES A. WELLS)
Defendant.)
)

**AFFIDAVIT IN
SUPPORT OF
DEFAULT REQUEST**

Civil Action No.
04-CV-0825 (GLS/DEP)

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss.:

DANIEL R. BRICE, being duly sworn, deposes and says:

1. I am an associate with the law firm of Blitman & King LLP, attorneys for the Plaintiff in the above-entitled action, and am fully familiar with all of the proceedings heretofore had herein. I submit this affidavit in support of Plaintiff's request for entry of default against Defendant Delores Wells.
2. This action was commenced on July 16, 2004 by filing a Summons and Complaint with the United States District Court for the Northern District of New York.
3. On July 30, 2004, the Summons and Complaint were served upon Defendant Delores Wells by delivering one (1) copy of the same to Defendant personally, as indicated by the Affidavit of Service by Joyce Abold [A copy of said Affidavit of Service is attached hereto as Exhibit "A"].

4. Pursuant to Rule 12(a) of the Federal Rules of Civil Procedure, Defendant was required to answer the Summons and Complaint within twenty (20) days after service thereof, i.e. by August 19, 2004.

5. Defendant has not answered the Complaint or otherwise moved with respect thereto, and the time for Defendant to answer has not been extended, and the time for the Defendant to answer the Complaint has expired.

WHEREFORE, deponent requests that the Clerk of the Court enter default against Defendant Delores Wells in accordance with Rule 55(a) of the Federal Rules of Civil Procedure.

s/Daniel R. Brice

Daniel R. Brice

Sworn to before me this
20th day of August, 2004.

s/Wendy L. Richardson

Notary Public, State of New York
Qualified in Onon. Co. No. 46665248
My Commission Expires 08/21/06

(glv\dek\lit\wells\DRB Affidavit)

EXHIBIT A

AFFIDAVIT OF SERVICE
C.N.Y PROCESS SERVICE, INC.

Index No. 5:04-CV-825
RJI No.
Attorney: Blitman

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

ASBESTOS WORKERS SYRACUSE PENSION FUND,

Plaintiff (s)

-against-

DELORES A. WELLS,

Defendant (s)

State of New York, County of Onondaga ss: The undersigned, being duly sworn deposes and states: deponent is not a party herein, is over the age of 18 years and resides at Liverpool, New York

That on July 30, 2004 at 10:35 a.m. located at 207 Leavenworth Ave. Syracuse, NY 13204 deponent served the within Summons and Complaint, General Order #25; Case Management Plan; Case Assignment/Motion Schedules and Filing Location; Consent Form to Proceed before U.S. Magistrate Judge on DELORES A. WELLS recipient therein named.

INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

MILITARY SRVC Deponent asked the person spoken to whether the recipient was presently in the military service of the United States Government of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform

DESCRIPTION: Race White Sex female Height 5'5" Weight 190 Age 45-55 Hair blond Other
features: glasses

Sworn to before me this
4 day of August 2004
Carol J. Morison
NOTARY PUBLIC

(print name beneath signature)
JOYCE ABOLD

CAROL J. MORISON
Notary Public, State of New York
Qualified in Onondaga County
No. 01MO4779925
Commission Expires April 30, 2007